

FIRST REGULAR SESSION

HOUSE BILL NO. 749

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CROSS (Sponsor), LAUER, LYNCH, BROWN, MCCAHERTY,
FITZWATER, GATSCHENBERGER, DAVIS, REIBOLDT AND LANT (Co-sponsors).

1347H.051

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 534.070, 535.020, and 535.110, RSMo, and to enact in lieu thereof six new sections relating to landlord-tenant actions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 534.070, 535.020, and 535.110, RSMo, are repealed and six new
2 sections enacted in lieu thereof, to be known as sections 534.055, 534.070, 535.020, 535.110,
3 535.190, and 535.195, to read as follows:

534.055. If an unauthorized pet is located on the tenant's property, the landlord
2 **may contact the appropriate local animal control officer or animal shelter to have the pet**
3 **removed from the property or may terminate the lease agreement. As used in this section,**
4 **"unauthorized pet" means a pet prohibited by the lease or any local ordinance or any**
5 **animal deemed aggressive.**

534.070. 1. When complaint to the circuit court of the proper county shall be made in
2 writing, signed by the party aggrieved, his agent or attorney, and sworn to, specifying the lands,
3 tenements or other possessions so forcibly entered and detained, or unlawfully detained, and by
4 whom and when done, it shall be the duty of the clerk of the court to issue a summons directed
5 to the sheriff or proper officer of the county, commanding him to summon the person against
6 whom the complaint shall have been made to appear, at a day in such summons to be specified.
7 2. A court date shall be assigned at the time the summons is issued. The court date shall
8 be for a day certain which is not more than [twenty-one] **fourteen** business days from the date
9 the summons is issued unless, at the time the case is filed, the plaintiff or plaintiff's attorney
10 consents in writing to a later date.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

535.020. 1. Whenever any rent has become due and payable, and payment has been demanded by the landlord or the landlord's agent from the lessee or person occupying the premises, and payment thereof has not been made, the landlord or agent may file a statement, verified by affidavit, with any associate circuit judge in the county in which the property is situated, setting forth the terms on which such property was rented, and the amount of rent actually due to such landlord; that the rent has been demanded from the tenant, lessee or person occupying the premises, and that payment has not been made, and substantially describing the property rented or leased. Giving the notice provided in section 441.060 is not required prior to filing a statement or obtaining the relief provided in this chapter. In such case, the clerk of the court shall immediately issue a summons directed to such tenant or lessee and to all persons occupying the premises, by name, requiring them to appear before the judge upon a day to be therein named, and show cause why possession of the property should not be restored to the plaintiff. The landlord or agent may, in such an action for unpaid rent, join a claim for any other unpaid sums, other than property damages, regardless of how denominated or defined in the lease, to be paid by or on behalf of a tenant to a landlord for any purpose set forth in the lease; provided that such other sums shall not be considered rent for purposes of this chapter, and judgment for the landlord for recovery of such other sums shall not by itself entitle the landlord to an order for recovery of possession of the premises. The provisions of this section providing for the filing of a statement before an associate circuit judge shall not preclude adoption of a local circuit court rule providing for the centralized filing of such cases, nor the assignment of such cases to particular circuit or associate circuit judges pursuant to local circuit court rule or action by the presiding judge of the circuit. The case shall be heard and determined under the practice and procedure provided in the Missouri rules of civil procedure, except where otherwise provided by this chapter.

2. If a judgment has been entered in favor of the plaintiff under subsection 1 of this section for recovery of the premises, within ten days of such judgment the sheriff of the county in which the premises is located shall inspect the premises for safety prior to removal of contents, if any.

535.110. 1. Except as provided under subsection 2 of this section, applications for trials de novo and appeals shall be allowed and conducted in the manner provided in chapter 512; but no application for a trial de novo or appeal shall stay execution unless the defendant give bond, with security sufficient to secure the payment of all damages, costs and rent then due, and with condition to stay waste and to pay all subsequently accruing rent, if any, into court within [ten] three days after it becomes due, pending determination of the trial de novo or appeal.

2. A tenant who does not appear at a hearing provided under sections 535.020 and 535.040 and has judgment rendered against him or her will be deemed to forfeit his or her

9 right to appeal the judgment, and the landlord shall be entitled to claim immediate
10 possession of the property.

535.190. If a tenant appears before a judge in an action for nonpayment of rent, the
2 court shall inquire, on the record, about the tenant's current residence and current place
3 of employment.

535.195. If the court does not follow the statutory timeline for providing a court
2 date and disposing of a landlord-tenant action for eviction, the court costs for the entire
3 case shall be automatically waived by the court.

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